



O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, NY 10036-6537

T: +1 212 326 2000
F: +1 212 326 2061
omm.com

File Number:
859618-1

August 23, 2022

Marc J. Pensabene
D: +1 212 326 2070
mpensabene@omm.com

VIA ECF

The Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, NY 10007

Re: Therabody, Inc. v. Tzumi Electronics LLC, et al.
Civil Action No. 1:21-cv-07803-PGG-RWL

Dear Judge Gardephe:

This firm represents defendant Therabody, Inc. ("Therabody") in the above-referenced patent litigation. Pursuant to Your Honor's Individual Rules of Practice in Civil Cases, Therabody writes to respectfully request oral argument on Tzumi's Motion for Partial Summary Judgment of Non-Infringement, which is now fully briefed and filed as of today. Therabody believes that oral argument would be beneficial in order to allow Therabody to address arguments raised for the first time in Tzumi's reply brief.

We thank the Court for its attention to this matter.

Sincerely,

/s/ Marc J. Pensabene

Marc J. Pensabene

MJP:raa

cc: All Counsel of Record